



## Board of Health Agenda

Date: July 13, 2022

Time: 5:00 PM

Location: Conducted by Remote Participation

1. Administrative

### **BOARD OF HEALTH MEETING AGENDA**

Date: Wednesday, July 13, 2022

Time: 5:00pm

Location: Conducted by Remote Participation

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20 relating to the COVID-19 emergency and subsequent [Act Extending Certain COVID-19 Measures Adopted During the State of Emergency](#), the July 13, 2022 public meeting of the Arlington Board of Health shall be physically closed to the public to avoid group congregation. The meeting shall instead be held virtually using Zoom.

***Public access to this meeting shall be provided in the following manner:***

Real-time public comment can be addressed to the Board of Health utilizing the Zoom virtual meeting software for remote participation. This application will allow attendees to request an opportunity for public comment, and allow the Board Chair to grant attendees the opportunity for public comment.

Attendees can use either phone or computer to participant in the meeting. Public comment can also be sent in advance of the meeting by emailing the Board of Health at [boh@town.arlington.ma.us](mailto:boh@town.arlington.ma.us) by no later than 5pm on July 11, 2022. Submitted public comment will be read into the record at the appropriate points in the meeting.

***Zoom Login instructions:***

Instructions and the meeting link for this specific meeting can be found on the Board's agenda and minutes page or on the Town's meeting calendar. The meeting registration information is listed below. When attendees enter the meeting, they will be placed into a virtual waiting room. Attendees will be admitted into the meeting from the waiting room at the start of the meeting.

Please register in advance for this meeting:

<https://town-arlington-ma-us.zoom.us/meeting/register/tZYufuCgqjwtHtCOMZGzYaKdny71MuVgVqiq>

**On this agenda:**

2. Acceptance of Meeting Minutes from June 22, 2022
3. HEARING:

Tobacco Violation - Arlington Convenience

4. HEARING:

Tobacco Violation - Fenway Market

5. HEARING:

Variance Request - Summer Sushi

6. HEARING:

Housing Code Violation - 184 Westminster Ave

7. UPDATES:

Environmental Health

8. UPDATES:

Restaurants

9. UPDATES:

COVID-19 / Public Health Nurse

PUBLIC COMMENT

Adjourn



**Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health**

27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170  
Fax: (781) 316-3175

**BOARD OF HEALTH MEETING MINUTES**

Date: June 22, 2022

Time: 5:00 PM

Location: Conducted by Remote Participation

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20 relating to the COVID-19 emergency and subsequent Act Extending Certain COVID-19 Measures Adopted During the State of Emergency, the June 22, 2022 public meeting of the Arlington Board of Health shall be physically closed to the public to avoid group congregation. The meeting shall instead be held virtually using Zoom.

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**Zoom Login instructions:**

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On this agenda:

In accordance with the Governor's [Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20](#) relating to the COVID-19 emergency and subsequent [Act Extending Certain COVID-19 Measures Adopted During the State of Emergency](#), the June 22, 2022 public meeting of the Arlington Board of Health shall be physically closed to the public to avoid group congregation. The meeting shall instead be held virtually using Zoom.

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***Zoom Login instructions:***

Instructions and the meeting link for this specific meeting can be found on the [Board's agenda and minutes page](#) or on the [Town's meeting calendar](#). The meeting registration information is listed below. When attendees enter the meeting, they will be placed into a virtual waiting room. Attendees will be admitted into the meeting from the waiting room at the start of the meeting.

Please register in advance for this meeting:

<https://town-arlington-ma-us.zoom.us/meeting/register/tZEvcemtrT8tHNxOh6BhpmWO9lhWaDzMtwRN>

After registering, you will receive a confirmation email containing information about joining the meeting

**On this agenda:**

**1. Administrative**

Natasha Waden provided the following opening statement: Good Afternoon, this is Natasha Waden, Public Health Director for the Town of Arlington. Consistent with the Governor's orders suspending certain provisions of Open Meeting Law and allowing us to adhere to social distancing requirements during the COVID-19 crisis, this Town of Arlington Board of Health Meeting is being held virtually via Zoom for audio and video participation of Board Members and the public. When you entered this meeting, you were automatically muted. During this meeting you will be unmuted individually as needed. These controls are in place to ensure that today's meeting is safe and effective. At this time, I would like to confirm that all members and persons anticipated on today's agenda are present and can hear me.

Board Members, when your name is called, please respond in the affirmative.

1. Dr. Marie Walsh Condon, Aye/Present
2. Dr. Kevin Fallon, Aye/Present
3. Dr. Laura White, Aye/Present

Health Department Staff, please respond in the affirmative when your name is called.

1. Laura Munsey, Aye/Present
2. Jessica Kerr, Aye/Present
3. Pat Martin, Aye/Present
4. Annette Curbow, Absent
5. Cameron Bishop, Aye/Present
6. Sophie Mitchell, Aye/Present
7. Natasha Waden, Aye/Present

Town of Arlington Legal Council

1. Michael Cunningham, Aye/Present

Applicants and representatives, do we have anyone on the call representing an application?

1. Farha Shaikh of Galaxy Market, Aye/Present
2. Brooke Santos and Jonathan Santos of Benchmark Tattoo, Aye/Present
3. Rotem Aloni, Agent of the Board of Health Tobacco Collaborative Program, Aye/Present
4. Cheryl O'Leary Sbarra, of NHAB Aye/Present

Others in attendance: Michelle Orfanos, Gina Carme

Thank you everyone.

As stated, this Open Meeting of the Arlington Board of Health is being conducted remotely consistent with Governor Baker's Executive Order and subsequent Act of June 16, 2021, due to the current State of Emergency in the Commonwealth due to the outbreak of the COVID-19 Virus.

In order to mitigate the transmission of the COVID-19 Virus, the Town of Arlington has been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and encouraged to participate remotely.

The Order, which you can find posted with agenda materials for this meeting, allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting.

Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will have multiple public comment periods – one during each of the hearings, and one at the end of the meeting. If you would like to comment during one of the public comment periods, please use the "Raise Hand" function if on a computer, or "Dial \*9" if on the phone. When your name or phone number is called, and you are unmuted, please state your name and provide your comment. All attendees will be afforded 3 minutes for any comments.

For this meeting, the Board of Health is convening by telephone and computer conference via Zoom as posted on the Town's Website identifying how the public may join.

Only Health Department staff will be able to share their screen during this meeting. Board Members and Department Staff may be participating by video conference. Accordingly, please be aware that other folks may be able to see you. Anything that you broadcast may be captured by the recording.

All of the materials for this meeting are available on the Novus Agenda dashboard, and I recommend that Board Members and the public follow the agenda as posted on Novus unless otherwise noted. Members of the public are encouraged to provide written public comments.

Before we get to today's agenda, I am going to cover some ground rules for effective and clear conduct of our business and to ensure accurate meeting minutes.

Dr. Marie Walsh Condon, the Board Chair, will introduce each agenda item. After the item is presented, she will go down the list of Board Members, inviting each by name to provide any comment, questions, or motions. Please hold comments or questions until your name is called and you are unmuted. For any response, please wait until the Chair yields the floor to you, and state your name before speaking.

Finally, each vote taken during this meeting will be conducted by roll-call vote by Attorney Michael Cunningham.

Dr. Walsh-Condón, can you please now review today's agenda. Floor yielded to Dr. Marie Walsh Condon.

Dr. Walsh Condon welcomed everyone to today's Board of Health meeting.

## **2. Acceptance of the May 25, 2022 Meeting Minutes**

Comments: No Comments by Dr. Fallon or Dr. White.

Motion by Dr. Kevin Fallon to approve the May 25, 2022 meeting minutes as submitted.

2<sup>nd</sup> by Dr. Walsh-Condón

A roll-call vote was called by Attorney Michael Cunningham:

- Dr. Marie Walsh-Condón, Aye
- Dr. Kevin Fallon, Aye
- Dr. Laura White, No vote (not present at 5/25/22 meeting)

Approved (2-0)

The Chair yielded the floor to Public Health Director Natasha Waden for the introduction of the new Board of Health Member: Dr. Laura White, and new Board of Health Intern: Sophie Mitchell.

Director Waden introduced and welcomed Dr. Laura White, who is a professor of Biostatistics at Boston University and is the newly appointed member of the Arlington Board of Health. Dr. White stated she was excited to serve on the Board of Health and looks forward working with the Town in this role. She reported she works at Boston University School of Public Health, and she does a lot of work with the Massachusetts Department of Public Health on the issues surrounding substance use disorders as well as infectious disease research.

Director Waden also introduced and welcomed Sophie Mitchell, who is a student at UMass Amherst and will be doing a summer internship with the Health Department working on Environmental Health Issues.

### **3. Hearing: Tobacco Violation – Galaxy Market**

Inspector Martin stated on May 18, 2022 our Regional Tobacco Program Coordinator, Rotem Aloni, conducted an inspection at Galaxy Market and observed a 2 pack of cigars available for sale for \$1.00. He reported this is a violation of our Board of Health Regulations Restricting the Sale of Tobacco Products, and informed the Board this is the 6<sup>th</sup> violation in 36 months for Galaxy Market. Galaxy Market is before the Board today to determine whether or not the Board will uphold the most recent violation of May 18th. Inspector Martin informed the Board that Galaxy Market is disputing the violation. He further reported that Galaxy Market has paid in full the most recent fine of \$300.00 issued, and Ms. Aloni is present at tonight's meeting, until 5:30 pm, if the Board has any questions of her regarding this inspection.

Dr. Marie Walsh-Condon yielded the floor to Ms. Aloni who informed the Board she was doing routine inspections in Arlington and visited Galaxy Market and during that inspection she was checking products, providing signage, and education etc. to retailers. She reported she asked the clerk the prices of several products, as well as how much the cost for the 2 cigars was and the clerk responded 1 dollar. Ms. Aloni reported she informed the clerk they cannot provide cigars for 1 dollar and they should be removed. Dr. Walsh-Condon inquired if there was any question if the product she was referring to was cigars, and Ms. Aloni reported no question at all. She stated she was also asking the price of other products such as cigarettes, chewing tobacco, food products, etc.

Dr. Fallon inquired where the package of 2 cigars was located, and Ms. Aloni responded behind the counter. He asked if she actually examined the product in her hand, which she replied she did not remember.

Dr. White had no questions of Ms. Aloni at this time.

Dr. Walsh-Condon yielded the floor to Farha Shaikh of Galaxy Market who stated their intentions are to sell the business, and they will not be repeating these small mistakes. They have had several (4-5) recent compliance inspections with the town and passed all of them, and they are extremely careful with what they keep. She stated the employee informed her that the cost quoted for \$1.00 was for cigarette rolling papers, and not cigars. She reported the rolling papers are the only product they have for 99 cents. She stated they do not have 2 packs of cigars, and they only have 4 packs for a cost of \$7.50, and singles for \$2.50. She said she would lose money if she sold 2 cigars for a dollar. She also stated that usually during an inspection if something is not right the product is taken away and pictures are taken and there is nothing of this sort during this inspection. She stated as soon as she received the report from the Health Department she immediately emailed Inspector Martin with pictures of her own and believes this is a misunderstanding. She further reiterated they are looking to sell the business and have a buyer lined up, and emailed an acceptance offer to Inspector Martin, but they have not finalized the deal until this Hearing has concluded.

Dr. Fallon requested clarification on Section F1 of the Regulations regarding quantities of Cigars that can be sold and for what price. Clarification was provided by Inspector Martin.

Dr. White, inquired where the cigars in question were stored, and Fahad reported all cigars are behind the counter.

Dr. Walsh-Condón asked Ms. Aloni if on the day of the inspection she asked specifically about the cigars, or other products behind the counter. She reported she didn't ask about the price of rolling papers, and she asked about the price for the pack of 2 cigars.

Director Waden shared her screen and displayed a picture of what Ms. Shaikh submitted to the Health Department as evidence of the rolling papers for \$1.00.

Public Health Director Natasha Waden, shared the picture of the rolling paper products in dispute, and asked Ms. Aloni if this the product that she observed. Ms. Aloni stated that was not the product she asked the price of.

Dr. Fallon asked Ms. Shaikh how she knew that the rolling papers were the product. Inspector Aloni inquired about if Ms. Shaikh wasn't in the store at the time of the inspection. She reported that was according to the employee, and the only Tobacco Product they have for \$1.00 is the Rolling Papers.

Dr. White had no additional questions.

Inspector Martin made a recommendation that the violation as submitted on May 18th should be upheld.

Dr. Walsh-Condón opened the floor to Public Comments regarding this Hearing.

Michelle Orfanos inquired of Inspector Aloni, if she typically takes pictures at all her inspections and if she is going to accuse someone of a violation that carries with it a fine, you should have proof regardless of the establishment's prior history.

Town Council Michael Cunningham informed the Board that public comments may be made however, questions should go through the Chair and it is at the discretion of the Chair to reply to or ask any questions posed during public comment. Dr. Marie Walsh-Condón replied that it is her belief the testimony of the Inspectors is sufficient.

The floor was yielded to Attorney Cunningham who stated if this violation is upheld, it would carry with it a \$300 fine and suspension of the license for 30 days. Whereas the conditional permit issued to Galaxy Market is due to expire in June, there would be no need to proceed with Agenda Item 4 regarding the Tobacco Permit for Galaxy Market and recommends if the violation is upheld that the Board Tables that Agenda Item to a future Board Meeting.

Dr. Kevin Fallon had no additional questions or comments

Dr. Laura White had no additional questions or comments

A Motion was made by Dr. Marie Walsh-Condón to uphold the May 18<sup>th</sup> violation as stated.

2<sup>nd</sup> by Dr. Kevin Fallon

A roll-call vote was called by Attorney Michael Cunningham:

Dr. Marie Walsh-Condon – Aye/In favor  
Dr. Kevin Fallon – Aye/In Favor  
Dr. Laura White – Aye/In Favor

Vote: Approved unanimously 3-0 in favor of the motion

**4. Hearing: Tobacco Permit – Galaxy Market**

Attorney Cunningham recommended this Hearing be Tabled until a future Board Meeting, at which time the proprietor of Galaxy Market could come before the Board and seek a further conditional approval of a permit after the expiration of the 30-day suspension period for the May 18, 2022 violation.

**5. Hearing: Variance Request – Benchmark Tattoo**

Inspector Cameron Bishop addressed the Board regarding a variance request for time requirements for a Body Art Practitioner for the apprenticeship program. He reported Ms. Santos has submitted sufficient documentation, met all educational requirements, and work experience at Benchmark Tattoo. Additionally, Ms. Santos has experience as being a practicing tattoo artist in Florida and it would be his recommendation to allow the variance for Ms. Santos to work as a body art practitioner apprentice at Benchmark Tattoo.

Dr. Marie Walsh-Condon yielded the floor to Ms. Brooke Santos.

Ms. Santos addressed the Board and reported she is seeking a variance for the body art apprentice program and reported she previously held a professional tattooing license in Florida for 3 years and has extensive experience. She reported she took some time off when she moved to Massachusetts, and is now working full time at Benchmark and observing Jonathan at Benchmark Tattoo, and is doing set ups and breakdowns as part of training and is learning all the proper techniques for cleaning and sterilizing all equipment. She reported she has had no problems or issues in the past and is comfortable moving forward.

Dr. Walsh-Condon opened the floor to her colleagues on the Board.

Dr. Kevin Fallon had no questions or comments and stated everything appears to be in order.  
Dr. Laura White had no questions or comments.

Dr. Walsh-Condon opened the floor to Public Comments regarding this Hearing: None

Motion made by Dr. Marie Walsh-Condon to approve the variance request from Benchmark Tattoo for a Body Art Apprentice Permit

2<sup>nd</sup> by Dr. Kevin Fallon

A roll-call vote was called by Attorney Michael Cunningham:

Dr. Marie Walsh Condon – Aye/In Favor  
Dr. Kevin Fallon – Aye/In Favor  
Dr. Laura White – Aye/In favor

Vote: Approved unanimously 3-0 in favor of the motion

**6. Updates: Environmental Health.**

Inspector Pat Martin reported that on May 27<sup>th</sup> he attended a court hearing for 1530 Mass Ave. in which the Attorney General's Office of Massachusetts is seeking to appoint a receiver to bring this property into compliance. The court provided additional time to bring this property into compliance and the judge ordered that the owners must hire a licensed contractor to do the work, and further issued a ruling on who can or cannot be on the property. The next hearing is scheduled for next Wednesday at 9:00 am, and Inspector Martin will be in attendance.

Director Waden informed the Board of a sewage issue in the vicinity of 1226 Mass Ave where there was a breakage in a line that had an effect on 5 properties behind that location. The 5 properties all drain into a connection that travels through 1226 Mass Ave. in order to connect to the sewer on Mass Ave. This breakage and subsequent issue resulted in a sewage overflow. The Health Department worked closely with the Engineering Department, and others, and it is anticipated this case should be fully resolved by the end of week.

Rodent control is seeing an increase, and the Health Department has started a pilot program with Modern Pest and deployed 6 smart boxes on Massachusetts Avenue, and we are gathering real-time data. We have identified possibly 2 other locations to deploy additional smart boxes. Town Meeting had a Warrant Article pass to reduce 2<sup>nd</sup> Generation Rodenticides, and this new technology will assist in meeting this goal. The Town pushes integrated pest management, in the past we have applied dry ice (or rat ice) in burrows. These smart boxes are a great tool we can use to meet the goals of reducing 2<sup>nd</sup> Generation Rodenticide.

The Town Meeting Warrant Article regarding a Plastic Water Bottle Ban did move forward, and we will start getting information to establishments by July 1st for November 1<sup>st</sup> implementation. We want to give establishments notice and the most current information as soon as possible.

Floor yielded to Inspector Martin who stated we are also getting into camp season, and are reviewing a number of applications.

**7. Updates: Restaurants**

Inspector Martin reported that The Farmers Market is up and running and the Beer Garden is back for this summer, and has been permitted through September. No new establishments have opened or closed recently.

## **8. Updates: COVID-19/Public Health Nurse Updates**

Director Waden informed the Board that Jessica Kerr will be leaving the Health Department and she has accepted a position at Harvard University. Director Waden expressed her sorrow in having Jessica leave us, but is so excited for this new opportunity for her. Nurse Kerr has made a huge impact and was an intricate force during the COVID response. She will be sorely missed. Director Waden thanked her for all of her efforts and wished her the best.

Nurse Jessica Kerr thanked Dr. Walsh-Condón and Dr. Fallon and stated they have provided a great and supportive environment for the Health Department.

Nurse Kerr reported that COVID has some promising news that every week for the past 6 weeks there has been declining cases. She reiterated that we only capture numbers that are in the state data base, and not home testing, however, numbers are decreasing in the schools which is promising to hear. She reported the Health Department offered a booster clinic on June 9<sup>th</sup> for 5-11 year old residents and we vaccinated over 200 children at the new Community Center. We have also been distributing home tests during the clinics.

Nurse Kerr reported that COVID vaccine is now recommended for 6 months through 4 years. Currently the Health Department doesn't have any plans for clinics for this age group because it requires specialized staffing and significant space, and we will work with our residents to inform them of various places to get vaccinated such as through their pediatricians, local pharmacies, and vax finder website.

Dr. Marie Walsh Condón commented that private offices are ramping up to do vaccinations for children at their sites, and the opportunities for 6 months to 5 years would lie with their pediatrician's office, and local pharmacies. She thanked the staff for their efforts and stated you have done a tremendous job in vaccinating 5 and up, and have done so much work, and have provided a great service to our community.

As an aside she thanked Nurse Kerr and stated you will be missed very much. It has been 5 years, and Harvard is very very lucky to have you join their team, and thanked Jessica for all of her service all these years.

Dr. Fallon replied it has been wonderful working with Jessica Kerr, and thanked her for getting us through the pandemic.

Dr. White thanked Nurse Kerr for all her efforts during the pandemic and although she was not on the Board during that time, she thanked her as a town resident.

Nurse Kerr reported her last day is tomorrow, and she will be working as an Infectious Control Nurse at Harvard University. She reported Arlington has developed a great reputation with colleagues and volunteers, and stated a Scituate resident comes to Arlington to volunteer in clinics, because she loves Arlington and the way our clinics are run.

Dr. Walsh reported she may have a conflict with the July 20<sup>th</sup> Board Meeting, and Director Waden will work with the Board Members to reschedule this and possibly the August meeting as needed.

Attorney Cunningham advised the Board that the Governor's [Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20](#) relating to the COVID-19 emergency and subsequent [Act Extending Certain COVID-19 Measures Adopted During the State of Emergency](#), is set to expire the 15<sup>th</sup> of July unless otherwise extended.

#### **PUBLIC COMMENT**

Marie Walsh opened the floor to Public Comment: None

Motion to adjourn made at 5:55 pm by Dr. Marie Walsh-Condón

2<sup>nd</sup> by Dr. Kevin Fallon

A roll-call vote was called by Attorney Michael Cunningham:

Dr. Marie Walsh-Condón, Aye In Favor

Dr. Kevin Fallon, Aye In Favor

Dr. Laura White, Aye In Favor

Approved unanimously (3-0)

Meeting adjourned



Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health

27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170  
Fax: (781) 316-3175

**MEMORANDUM**

To: Board of Health  
From: Padraig Martin, Lead Health Compliance Officer  
Date: July 7, 2022  
RE: Arlington Convenience Tobacco Compliance Violations

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Maureen Buzby, a vendor for the Metro South-West (MSW) Tobacco-Free Collaborative, conducted tobacco compliance checks on behalf of the department at several permitted retail tobacco establishments in town on June 26, 2022. Arlington Convenience sold a package of Newport Red cigarettes to an underage individual at approximately 11:18 AM. This violation represents the second violation within a 36-month period.

The above action is in violation of state law entitled “An Act to Modernize Tobacco Control”, 105 CMR 665.00: Minimum standards for retail sale of tobacco and electronic nicotine delivery systems and of the Board of Health Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products.

According to the Town’s REGULATION RESTRICTING THE SALE OF TOBACCO PRODUCTS AND NICOTINE DELIVERY PRODUCTS,

“The violator shall receive:

- a) In the case of a first violation, a fine of one thousand dollars (\$1000.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for seven (7) consecutive business days.
- b) In the case of a second violation within 36 months of the date of the current violation, a fine of two thousand dollars (\$2000.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for fourteen (14) consecutive business days.**
- c) In the case of three or more violations within a 36 month period, a fine of five thousand dollars (\$5000.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for thirty (30) consecutive business days”

Enclosed please find the following item:

1. Copy of the correction order dated 6/30/2022
2. Copy of the correction order dated 6/18/2021



Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health

27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170  
Fax: (781) 316-3175

## Correction Order

June 30, 2022

**HAND DELIVERED**

Arlington Convenience  
Attn: Davinder Sharma  
245 Massachusetts Avenue  
Arlington, MA 02474

On Sunday, June 26th, 2022, the Arlington Board of Health conducted a compliance check of several permitted retail tobacco vendors in town. Please be advised your establishment sold a package of Newport Reds cigarettes to an underage individual at approximately 11:18 AM. This sale is in violation of 105 CMR 665.00: Minimum standards for retail sale of tobacco and electronic nicotine delivery systems and of the Board of Health Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products.

Arlington Convenience violated the state law entitled "An Act to Modernize Tobacco Control", 105 CMR 665.000, and Board of Health Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products by:

- Sale of tobacco product to a person under the Minimum Legal Sales Age;**
- Sale of a flavored nicotine delivery tobacco product [flavored combustible and other traditional tobacco products are prohibited on and after June 1, 2020];
- Offered for sale a flavored nicotine delivery product [see above];
- Failure of a non-age restricted establishment to maintain a record from the manufacturer indicating that an unflavored nicotine delivery product has a nicotine content of 35 milligrams per milliliter or less;
- Other, see the below additional violations, with any necessary additional pages attached:

You are hereby ordered to comply with An Act to Modernize Tobacco Control, 105 CMR 665.000, and Board of Health Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products. In addition, the following fines and actions apply against Arlington Convenience for violations of 105 CMR 665.000 and Board of Health Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products:

- First violation: a fine of one thousand dollars (\$1000.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for seven (7) consecutive business days;
- Second violation within a 36-month period from the first violation: a fine of two thousand dollars (\$2000.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for fourteen (14) consecutive business days;**
- Third violation within a 36-month period from the first violation or additional violations during that time period: a fine of five thousand dollars (\$5000.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for thirty (30) consecutive business days.

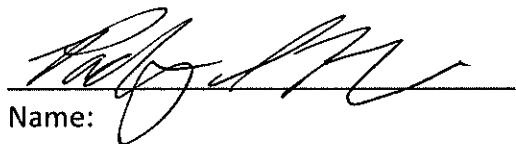
You are hereby ordered to pay the amount of **\$2,000.00** by check or money order made payable to the Town of Arlington within twenty-one (21) days of receipt of this order to the address below:

Arlington Board of Health  
27 Maple Street  
Arlington, MA 02476

You are hereby ordered to attend a Board of Health hearing on **Wednesday, July 13, 2022 at 5:00 PM**. This hearing will be held to determine any further enforcement proceedings, including the possible suspension of your permit. The meeting will be conducted online via remote participation. All attendees must register in advance for the meeting. After you have register for the meeting, Zoom will send you the meeting link which you will use to access the meeting. To register for this meeting, please visit: <https://town-arlington-ma-us.zoom.us/meeting/register/tZYufuCgqjwHtCOMZGzYaKdnv71MuVgVqiq>

Failure to comply with this order may result in additional penalties as permitted by law.

Signed by:

  
Name:

  
Date:

Padraig Martin, REHS  
Lead Health Compliance Officer  
Town of Arlington  
27 Maple Street  
Arlington, MA 02476



Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health

27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170  
Fax: (781) 316-3175

## Correction Order

June 18, 2021

**HAND DELIVERED**

Arlington Convenience  
Attn: Davinder Sharma  
245 Massachusetts Avenue  
Arlington, MA 02474

On Wednesday, June 9th, 2021, the Arlington Board of Health conducted a compliance check of several permitted retail tobacco vendors in town. Please be advised your establishment sold a package of Marlboro cigarettes to an underage individual at approximately 6:12 PM. This sale is in violation of 105 CMR 665.00: Minimum standards for retail sale of tobacco and electronic nicotine delivery systems and of the Board of Health Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products.

Arlington Convenience violated the state law entitled "An Act to Modernize Tobacco Control", 105 CMR 665.000, and Board of Health Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products by:

- Sale of tobacco product to a person under the Minimum Legal Sales Age;**
- Sale of a flavored nicotine delivery tobacco product [flavored combustible and other traditional tobacco products are prohibited on and after June 1, 2020];
- Offered for sale a flavored nicotine delivery product [see above];
- Failure of a non-age restricted establishment to maintain a record from the manufacturer indicating that an unflavored nicotine delivery product has a nicotine content of 35 milligrams per milliliter or less;
- Other, see the below additional violations, with any necessary additional pages attached:

You are hereby ordered to comply with An Act to Modernize Tobacco Control, 105 CMR 665.000, and Board of Health Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products. In addition, the following fines and actions apply against Arlington Convenience for violations of 105 CMR 665.000 and Board of Health Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products:

First violation: a fine of one thousand dollars (\$1000.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for seven (7) consecutive business days;

Second violation within a 36-month period from the first violation: a fine of two thousand dollars (\$2000.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for fourteen (14) consecutive business days;

Third violation within a 36-month period from the first violation or additional violations during that time period: a fine of five thousand dollars (\$5000.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for thirty (30) consecutive business days.

You are hereby ordered to pay the amount of **\$1,000.00** by check or money order made payable to the Town of Arlington within twenty-one (21) days of receipt of this order to the address below:

Arlington Board of Health  
27 Maple Street  
Arlington, MA 02476

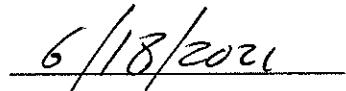
You are hereby ordered to attend a Board of Health hearing on **Wednesday, July 21<sup>st</sup>, 2021 at 2:00 PM**. This hearing will be held to determine any further enforcement proceedings, including the possible suspension of your permit. The meeting will be conducted online via remote participation. A link to register for the meeting will be forthcoming.

Failure to comply with this order may result in additional penalties as permitted by law.

Signed by:



Name:



Date:

Padraig Martin, REHS  
Lead Health Compliance Officer  
Town of Arlington  
27 Maple Street  
Arlington, MA 02476



Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health

27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170  
Fax: (781) 316-3175

**MEMORANDUM**

To: Board of Health  
From: Padraig Martin, Lead Health Compliance Officer  
Date: July 7, 2022  
RE: Fenway Market Tobacco Compliance Violations

---

Maureen Buzby, a vendor for the Metro South-West (MSW) Tobacco-Free Collaborative, conducted tobacco compliance checks on behalf of the department at several permitted retail tobacco establishments in town on June 26, 2022. Fenway Market sold a package of Newport Red cigarettes to an underage individual at approximately 11:06 AM. This violation represents the first violation within a 36-month period.

The above action is in violation of state law entitled “An Act to Modernize Tobacco Control”, 105 CMR 665.00: Minimum standards for retail sale of tobacco and electronic nicotine delivery systems and of the Board of Health Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products.

According to the Town’s REGULATION RESTRICTING THE SALE OF TOBACCO PRODUCTS AND NICOTINE DELIVERY PRODUCTS,

“The violator shall receive:

- a) In the case of a first violation, a fine of one thousand dollars (\$1000.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for seven (7) consecutive business days.**
- b) In the case of a second violation within 36 months of the date of the current violation, a fine of two thousand dollars (\$2000.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for fourteen (14) consecutive business days.**
- c) In the case of three or more violations within a 36 month period, a fine of five thousand dollars (\$5000.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for thirty (30) consecutive business days”**

Enclosed please find the following item:

1. Copy of the correction order dated 6/30/2022



Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health

27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170  
Fax: (781) 316-3175

## Correction Order

June 30, 2022

**HAND DELIVERED**

Fenway Market  
Attn: Samir Shaikh  
203 Broadway  
Arlington, MA 02474

On Sunday, June 26th, 2022, the Arlington Board of Health conducted a compliance check of several permitted retail tobacco vendors in town. Please be advised your establishment sold a package of Newport Reds cigarettes to an underage individual at approximately 11:06 AM. This sale is in violation of 105 CMR 665.00: Minimum standards for retail sale of tobacco and electronic nicotine delivery systems and of the Board of Health Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products.

Fenway Market violated the state law entitled "An Act to Modernize Tobacco Control", 105 CMR 665.000, and Board of Health Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products by:

- Sale of tobacco product to a person under the Minimum Legal Sales Age;**
- Sale of a flavored nicotine delivery tobacco product [flavored combustible and other traditional tobacco products are prohibited on and after June 1, 2020];
- Offered for sale a flavored nicotine delivery product [see above];
- Failure of a non-age restricted establishment to maintain a record from the manufacturer indicating that an unflavored nicotine delivery product has a nicotine content of 35 milligrams per milliliter or less;
- Other, see the below additional violations, with any necessary additional pages attached:

You are hereby ordered to comply with An Act to Modernize Tobacco Control, 105 CMR 665.000, and Board of Health Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products. In addition, the following fines and actions apply against Arlington Convenience for violations of 105 CMR 665.000 and Board of Health Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products:

First violation: a fine of one thousand dollars (\$1000.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for seven (7) consecutive business days;

Second violation within a 36-month period from the first violation: a fine of two thousand dollars (\$2000.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for fourteen (14) consecutive business days;

Third violation within a 36-month period from the first violation or additional violations during that time period: a fine of five thousand dollars (\$5000.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for thirty (30) consecutive business days.

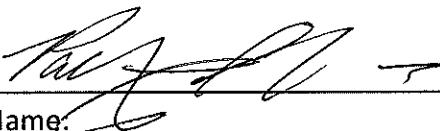
You are hereby ordered to pay the amount of **\$1,000.00** by check or money order made payable to the Town of Arlington within twenty-one (21) days of receipt of this order to the address below:

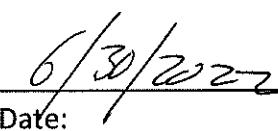
Arlington Board of Health  
27 Maple Street  
Arlington, MA 02476

You are hereby ordered to attend a Board of Health hearing on **Wednesday, July 13, 2022 at 5:00 PM**. This hearing will be held to determine any further enforcement proceedings, including the possible suspension of your permit. The meeting will be conducted online via remote participation. All attendees must register in advance for the meeting. After you have register for the meeting, Zoom will send you the meeting link which you will use to access the meeting. To register for this meeting, please visit: <https://town-arlington-ma-us.zoom.us/meeting/register/tZYufuCgqjwtHtCOMZGzYaKdnv71MuVgVqiq>

Failure to comply with this order may result in additional penalties as permitted by law.

Signed by:

  
\_\_\_\_\_  
Name:

  
\_\_\_\_\_  
Date:

Padraig Martin, REHS  
Lead Health Compliance Officer  
Town of Arlington  
27 Maple Street  
Arlington, MA 02476



**Town of Arlington**  
**Department of Health and Human Services**  
**Office of the Board of Health**

27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170  
Fax: (781) 316-3175

**Memo**

To: Board of Health Members  
From: Annette Curbow, Health Compliance Officer  
Date: July 5, 2022  
RE: Summer Sushi (474 Massachusetts Ave) – Variance Request

---

Summer Sushi has applied for a variance in accordance with Food Code 3-502.11. The establishment intends to use acidification, through the use of a vinegar solution, to render cooked rice a non-time/temperature control for safety (non-TCS) food. The variance request was accompanied by the required Hazard Analysis and Critical Control Points (HACCP) plan, which follows for your review. A rice sample has been validated by Foods Research Laboratories in Boston with a pH of 3.85, less than the target of 4.1.

March 15, 2022

Arlington Health Department  
Health and Human Services  
Board of Health  
27 Maple St.  
Arlington, MA 02476

To Whom It May Concern:

Summer Sushi, located at 474 Massachusetts Avenue, Arlington, is requesting a variance for the exemption of using acidification to make cooked rice a non-potentially hazardous food. The sushi rice contains vinegar as a means of food preservation in addition to flavor enhancement.

The facility has a HACCP plan containing the following information:

- SOP for pH measurement
- Recipe / Formulation
- Preparation Steps
- Hazard Analysis
- CCP Identification
- Critical Limit Identification
- Monitoring Procedures
- Corrective actions and Documentation Procedures
- Verification (Short Term / Long Term) Procedures
- Records to be maintained
- Documented Employee Training Plan

A pH log will be maintained for pH results of each batch of sushi rice.

The plan is maintained at the facility and will be made available for your review. Records shall be retained for a minimum of 30 days.

The plan was prepared by Foods Research Laboratories, Inc. and includes training on the principles, implementation, and maintenance requirements of this HACCP plan.

Please contact me if you require further information.

Sincerely,

  
Manguang Chen  
Owner

SUMMER SUSHI  
474 MASSACHUSETTS AVE.  
ARLINGTON, MA 02474

**HACCP PLAN FOR USING ACIDIFICATION TO MAKE COOKED RICE A  
NON-POTENTIALLY HAZARDOUS FOOD**

**TABLE OF CONTENTS**

**Page 1 - Introduction**

**Page 2 - Signature Sheet (HACCP cover sheet)**

**Page 3 – Summary of Procedures for the Acidification of Cooked Rice**

**Page 4 - Flow Diagram for the Production of Sushi Rice**

**Page 5/6 - HACCP Master Plan Sheet for the Acidification of Cooked Rice (2 pages)  
(Narrative Form)**

**Page 7 – HACCP MASTER SHEET SUMMARY (Table Form)**

**Page 8 - Standard Operating Procedure for pH Measurement via a pH meter**

**Page 9 / 10 - pH Log (master sheet & sample sheet)**

**Page 11 - Summary of Employee Training Elements for the Acidification of Cooked Rice**

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**Page 14 - Laboratory Results**

**Supplement – Guidelines for the Safe Preparation of Sushi**

SUMMER SUSHI  
474 MASSACHUSETTS AVE.  
ARLINGTON, MA 02474

## INTRODUCTION

### **ISSUE:** Using Acidification to Make Cooked Rice a Non-Potentially Hazardous Food

**PURPOSE:** As per MA Food Protection Program Policies, Procedures, and Guidelines No: RF3-3, any food establishment which acidifies rice in order to render it a non-potentially hazardous food, must obtain a variance from the board of health (BOH). A request for such a variance must be accompanied by a HACCP plan.

**WHAT IS HACCP?** HACCP, or Hazard Analysis Critical Control Point system, is a process control system that identifies where hazards might occur in the food production process and puts into place stringent actions to take to prevent the hazards from occurring. HACCP is divided into two sections. The first, HA, is the hazard analysis, which identifies where, in the food production process, things can go wrong and how they can go wrong, resulting in unsafe food. The second section of the plan, CCP, establishes food safety limits and monitoring and verification procedures to make sure the established limits are not exceeded. These procedures are documented.

A **Critical Control Point (CCP)** is a point or procedure in a specific food system where loss of control may result in an unacceptable risk to the consumer.

A **Critical Limit (CL)** is the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a CCP to minimize the risk that the identified food safety hazard may occur.

**PUBLIC HEALTH RATIONALE:** As per FCC No. RF3-3, a HACCP plan is necessary when acidification of food is a food process. Cooked Rice is a Potentially Hazardous Food (PHF). If the pH of the rice is not brought down below 4.6\*, it may be able to support the growth of pathogens (illness causing bacteria) when stored at room temperature.

### **HAZARD ANALYSIS OF THE ACIDIFICATION OF RICE PROCESS**

Cooked rice maintained in the temperature danger zone (41- 140°F) is susceptible to the outgrowth of spore-forming bacteria such as *Bacillus cereus*. The production of sushi requires the rice to be able to be formed. Cold rice is difficult to form. Because the functionality of sushi rice requires its use at room temperature, the rice must be acidified to a pH value below 4.6\* to inhibit the growth of these spore-forming bacteria. This HACCP plan addresses proper acidification of rice for room temperature storage and use.

\*MA Guideline RF 3-3, states “target pH should be 4.1 but must not exceed 4.6.” The *Evaluation Tool for Acidified Rice HACCP Plans* also states “If using pH paper, the pH shall not exceed 4.3. If using a pH meter, the pH shall not exceed: 4.3 if tested within 2 hours of preparation or 4.6 if tested after 2 hours of preparation.

SUMMER SUSHI  
474 MASSACHUSETTS AVE.  
ARLINGTON, MA 02474

I, Jianguang Chen, in the position of owner, initially present and implement this  
**HACCP PLAN FOR USING ACIDIFICATION TO MAKE COOKED RICE  
A NON-POTENTIALLY HAZARDOUS FOOD.**

SIGNATURE: *Dragon cle*

DATE: 3/15/22

<b>REVIEW / REVISION TO PROGRAM</b> <i>(summarize change below)</i>	<b>SIGNED BY:</b>	<b>DATE</b>

**This sheet must be signed and dated by the owner / PIC after any reassessment or change to the program or a minimum of once per year signifying an annual assessment. (3-10-22).**

SUMMER SUSHI  
474 MASSACHUSETTS AVE.  
ARLINGTON, MA 02474

**SUMMARY OF PROCEDURES FOR THE ACIDIFICATION OF COOKED RICE**

**EQUIPMENT REQUIRED:** \* Measuring cup (qt. / liter)  
\* Scale  
\* Storage container (with lid) for storage of vinegar  
\* Rice cooker  
\* Shallow container ( $\leq$  4 inches) to transfer cooked rice from cooker  
\* Large spoon or paddle  
\* Stainless steel rice warmer

\*\*\*\*\*

**VINEGAR MIXTURE**

**INGREDIENTS REQUIRED:** \* 20 liters of rice flavored distilled vinegar (4.5% acidity) ++  
\* 20 lbs. granulated sugar  
\* 5 lbs. table salt

++*NOTE: The vinegar currently used is Mizkan Shiragiku Rice Flavored Distilled Vinegar* Ingredients: Distilled vinegar (Made from alcohol with rice and sake cake extract) and salt. Diluted with water to 4.5% acidity (45 grain).

**VINEGAR MIXTURE PROCEDURE:** The above listed ingredients are combined in a storage container. The container is covered and stored at room temperature.

\*\*\*\*\*

**COOKED RICE INGREDIENTS:** \* 5 quarts dry rice  
\* 5 quarts water

**COOKED RICE PROCEDURE:** Dry rice is measured and washed with cold water until the water runs clear. The washed rice is transferred into the rice cooker. The water is added to the rice cooker. The cooking process takes approximately 45 minutes. This represents ONE BATCH of cooked rice.

\*\*\*\*\*

**ACIDIFICATION PROCEDURE:** The cooked rice is transferred to a shallow container (less than 4 inches deep) to promote rapid cooling and allow for uniform acidification of the rice.

**1 QUART OF VINEGAR MIXTURE IS ADDED TO 1 BATCH OF COOKED RICE.**

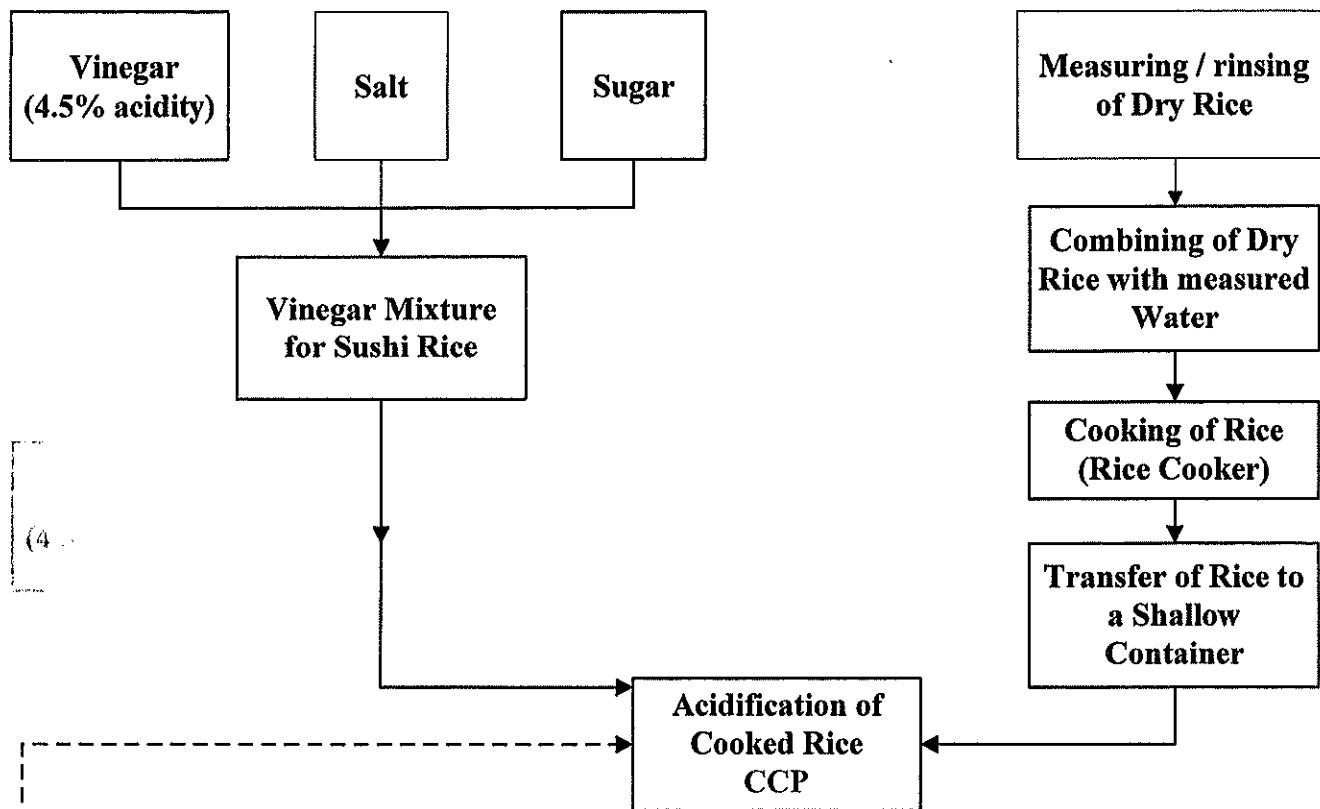
A large spoon or paddle is used to distribute the vinegar mixture. A subsample of the acidified rice is taken for pH measurement as per the *Standard Operating Procedure for pH Measurement*. If the pH value is acceptable, the acidified rice is transferred to a stainless steel rice warmer for use at the sushi station. The rice is maintained at ambient temperatures. Unused rice is discarded at the end of the day.

NOTE: The pH is to be measured within one hour according to established procedures.  
(See: *HACCP Master Plan, Standard Operating Procedures for pH Measurement of Sushi Rice, Summary of Training Elements for the Acidification of Cooked Rice*). (03-10-22).

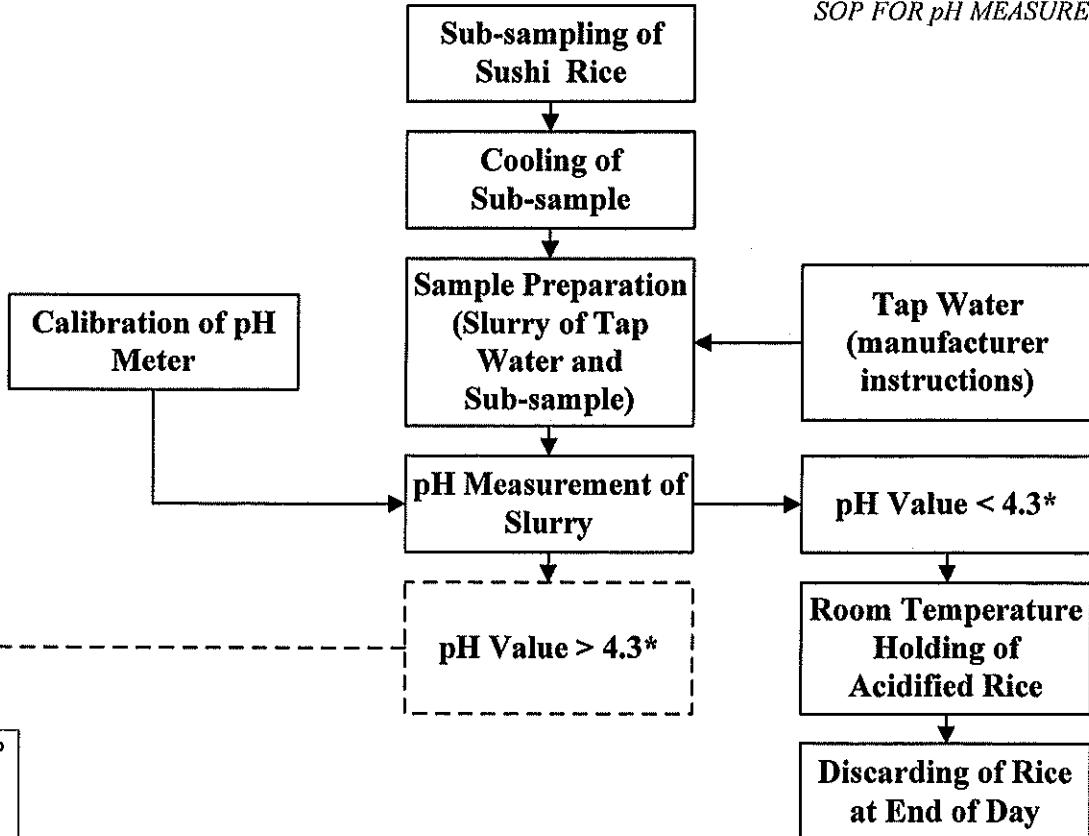
# SUMMER SUSHI

474 MASSACHUSETTS AVE., ARLINGTON, MA 02474

## FLOW DIAGRAM OF THE PRODUCTION OF SUSHI RICE



SOP FOR pH MEASUREMENT



\*Refer to HACCP  
Master Plan for  
Critical Limit

SUMMER SUSHI  
474 MASSACHUSETTS AVE.  
ARLINGTON, MA 02474

**HACCP PLAN MASTER SHEET FOR THE ACIDIFICATION OF COOKED RICE**

***CRITICAL CONTROL POINT:*** The acidification of the cooked rice has been identified as the critical control point (CCP).

***HAZARD CONTROLLED:*** Proper acidification of cooked rice inhibits the growth of spore-forming bacteria, including *Bacillus cereus*, which may survive the rice cooking process. The survival and outgrowth of illness-causing bacteria (pathogens) is a biological hazard.

***CRITICAL LIMIT (CL):*** A pH value of acidified rice of less than 4.6 is required. However, the MA Food Protection Evaluation Tool for Acidified Rice HACCP plans requires that the pH of acidified rice shall not exceed 4.3 if tested within 2 hours of preparation, or 4.6 if tested after 2 hours of preparation.

***MONITORING PROCEDURES:***

**What is being measured?** Acidified rice

**How is it being measured?** The acidified rice is measured using a calibrated pH meter. (Refer to *Standard Operating Procedure for pH Measurement* for procedures to calibrate the pH meter and to measure a slurry sample of acidified rice.) The pH meter currently being used is an ExStik pH meter, Model PH100.

**NOTE:** Acidified rice shall not be used until the pH testing is performed and the critical limit is met.

***CORRECTIVE ACTIONS:*** HACCP is considered to be a preventive food safety system. When the critical limit is met, the risk to the consumer is minimized to an acceptable level. If the critical limit is not met: 1. Discard rice if not made within one hour.

2. If rice is made within the hour, cool immediately or add additional vinegar, re-mix and retest pH to ensure CL is met.

To prevent recurrence of a critical limit deviation, verify that the correct amount of vinegar mixture is being added to one batch of cooked rice. Verify that the cooked rice batch size has not changed. Verify that the pH meter is being used properly and review pH buffer integrity, pH meter electrode integrity, and battery strength.

**SUMMER SUSHI  
474 MASSACHUSETTS AVE.  
ARLINGTON, MA 02474**

**HACCP PLAN MASTER SHEET FOR THE ACIDIFICATION OF COOKED RICE**  
**(continued)**

**VERIFICATION PROCEDURES**

- 1. CALIBRATION OF pH METER:** A properly working pH meter is required to provide an accurate pH measurement. To ensure accuracy, the pH meter shall be calibrated once per day prior to initial use by the sushi chef or an employee designated by a PIC. The calibration shall be documented by completing the first column of the pH log, which is designated for calibration. The date and initials of the person performing the calibration signifies completion of the calibration procedure.
- 2. RECORD REVIEW:** To ensure that the records are complete and accurate and that the critical limit has been met, the records (pH log) are to be reviewed daily or as needed by a PIC. This record review shall be documented by completing the last column of the pH log, which is designated for record review. The date and initials of the reviewer with a comment ("OK", "Acceptable") for the records reviewed signifies completion of the record review.
- 3. RECIPE VALIDATION:** MA FCC No. RF 3-3 requires that the acidified rice recipe must be validated by a food laboratory to show that it results in the recipe has a target pH of 4.1. Lab validation must be updated annually or when the recipe is modified. Additional validation may be required when the daily pH levels are consistently higher than the laboratory validated pH measurement. These laboratory test results shall be maintained on file for one year.
- 4. HACCP REASSESSMENT:** The HACCP plan must be reviewed a minimum of annually to ensure that the plan is accurate and is being executed properly. The HACCP cover page shall be signed and dated at least annually or after any modification to the plan.

SUMMER SUSHI, 474 MASSACHUSETTS AVE., ARLINGTON, MA 02474

HACCP PLAN MASTER SHEET (Table form)

Critical Control Point	Hazard Controlled	Critical Limit(s)	Monitoring	Corrective Action	Records	Verification
PRODUCTION OF SUSHI RICE (Acidification to exempt rice as a PHF using a validated recipe)	Growth of Pathogens (spore-formers including <i>Bacillus cereus</i> )	pH value of finished sushi rice < 4.3 @ 25°C if measured within 2 hours < 4.6 if tested after 2 hours of preparation	<u>What</u> - sushi rice <u>How</u> - A calibrated pH meter as per Standard Operating Procedures for pH measurement <u>Frequency</u> - each batch	For rice made within 1 hour, if pH value is greater than 4.6, add more vinegar until a value below 4.3 is achieved - Record new value For rice made greater than one hour, discard rice. To prevent recurrence: Verify use of correct recipe.	1. Calibration of pH meter daily prior to use. 2. Record Review by PIC Corrective Action to be recorded on pH Log	1. pH log 1. Calibration of pH meter daily prior to use. 2. Record Review by PIC Corrective Action to be recorded on pH Log 3. pH of rice tested by a food laboratory annually or when daily pH levels are consistently higher than the laboratory validated pH measurement. 4. HACCP plan reviewed a minimum of annually or as needed by PIC (Signed and dated by PIC upon review)

## **STANDARD OPERATING PROCEDURE FOR pH MEASUREMENT**

SUMMER SUSHI, 474 MASSACHUSETTS AVE., ARLINGTON, MA 02474

(Information based upon the use of ExStik pH Meter, Model PH100)

### **PART 1 - CALIBRATION PROCEDURE (one point calibration)**

1. Remove cap from probe tip and turn on the meter. Keep cap readily available for subsequent use. Sponge in cap should be moistened with pH 4.0 buffer solution.
2. Place the electrode into a buffer solution (pH buffer 4.0 is suggested for sushi rice). Momentarily press the CAL key.
3. The ExStik automatically recognizes the buffer solution and calibrates itself to the value.
4. During calibration, the pH reading flashes on the main display.
5. When the calibration is complete, the ExStik automatically displays 'END' and returns to normal operation mode.
6. The appropriate circled indicator 4, 7, or 10 will appear on the LCD when a calibration has been completed. The calibration data is stored until a new calibration is performed.

**NOTE:** Two point calibration may be performed as per manufacturer instructions.

**BUFFER NOTE:** Make sure buffer has not passed expiration date.

Keep the buffer covered and properly stored when not in use.

Maintain buffer at room temperature. Keep away from bright light.

Do not immerse probe into main container of buffer. Sub-sample buffer.

Do not return sub-sample (used) buffer into main container.

### **PART 2 - pH MEASUREMENT OF SAMPLE**

1. Place 2 tablespoons of finished sushi rice (as per formulation) into a clean container and cool to room temperature. Proper rice temperature is critical to the pH measurement.
2. Add 1 – 2 teaspoons of room temperature tap\* water.
3. Mash the rice and water mixture with a clean spoon until a slurry is created.
4. Using a calibrated pH meter (see above procedure), measure the sample pH by placing the electrode surface into the slurry solution.
5. Wait until the reading stabilizes. This is the equilibrium pH. Record this value on the pH log. (NOTE: The complete record should include the date, time, pH value and initials of the person calibrating or measuring the pH).
6. Rinse the probe in tap water and blot dry with a clean, dry cloth or paper towel.
7. Turn off the meter and replace the cap on the probe tip. Store properly.

**NOTE:** Refer to Manufacturer's instruction for troubleshooting, cleaning of sensor, and replacing the batteries. \*Tap water is acceptable to use per manufacturer instructions.

## SAMPLE LOG

SUMMER SUSHI, 474 MASSACHUSETTS AVE.  
ARLINGTON, MA 02474

## pH Log / Calibration Log

The pH meter shall be calibrated according to established procedures and at a frequency established in the HACCP Master Plan. Follow the *Standard Operating Procedure for pH Measurement*

MONTH/YEAR: March 2022

SUMMER SUSHI, 474 MASSACHUSETTS AVE.  
ARLINGTON, MA 02474

## pH Log / Calibration Log

The pH meter shall be calibrated according to established procedures and at a frequency established in the HACCP Master Plan. Follow the *Standard Operating Procedure for pH Measurement*

**MONTH / YEAR:** \_\_\_\_\_

SUMMER SUSHI  
474 MASSACHUSETTS AVE.  
ARLINGTON, MA 02474

**SUMMARY OF EMPLOYEE TRAINING ELEMENTS  
FOR THE ACIDIFICATION OF COOKED RICE**

1. All employees involved in the production of sushi rice shall be trained in proper personal hygiene including:
  - proper hand-washing (procedures and frequency)
  - proper hair restraints, clothing (uniform and/or use of apron)
  - removal of jewelry during production
  - proper use of gloves and no bare hand contact of ready-to-eat products
2. All employees involved in the production of sushi rice shall be informed of their responsibility to report to the PIC when they are experiencing symptoms such as nausea, vomiting, diarrhea, fever, sores, or any other symptoms that may affect the safety of food.
3. All employees involved in the production of sushi rice shall be trained in the proper use / handling of applicable food contact surfaces including:
  - proper cleaning and sanitizing procedures of equipment, utensils, and storage areas
  - proper storage procedures of equipment / ingredients
  - proper handling procedures of equipment / ingredients
  - proper procedures for preventing cross-contamination
  - proper use and storage of wiping cloths
4. All employees involved in the production of sushi rice shall be trained on the elements of the ***HACCP Plan*** including:
  - proper cooking procedures of established recipe
  - proper formulation of vinegar mixture
  - proper acidification of cooked rice with vinegar mixture via addition of correct amount and distribution of the mixture
  - proper sub-sampling procedures / preparation of sushi rice for pH measurement
  - proper storage and use of sushi rice
  - proper shelf-life of sushi rice
5. All employees involved in the production of sushi rice shall be trained on the ***Standard Operating Procedure for pH Measurement*** including:
  - proper calibration procedures for pH meter
  - proper pH measurement of sample by pH meter
  - proper handling procedures of buffer
  - proper storage procedures of buffer
  - current HACCP critical limits established in the plan
  - current HACCP monitoring frequency established in the plan
  - proper HACCP corrective actions when a deviation for a critical limit occurs
  - proper HACCP verification procedures / frequency
  - proper retention of records for 30 days
6. In addition refer to the U.S. FDA Food Code, local regulations or in house training, as applicable.

SUMMER SUSHI  
474 MASSACHUSETTS AVE.  
ARLINGTON, MA 02474

## **EMPLOYEE TRAINING LOG**

The employees listed below have been properly trained in correct procedures for the production of sushi rice as per the

## **SUMMARY OF EMPLOYEE TRAINING ELEMENTS FOR THE ACIDIFICATION OF COOKED RICE**

**This sheet must be signed and dated by the employee upon completion of training.  
(3-12-22)**

SUMMER SUSHI  
474 MASSACHUSETTS AVE.  
ARLINGTON, MA 02474

## EMPLOYEE TRAINING LOG

The employees listed below have been properly trained in correct procedures for the production of sushi rice as per the

## **SUMMARY OF EMPLOYEE TRAINING ELEMENTS FOR THE ACIDIFICATION OF COOKED RICE**

**This sheet must be signed and dated by the employee upon completion of training.  
(3-12-22)**



(617) 442-3322  
(617) 427-3322  
FAX (617) 442-2013

---

130 NEWMARKET SQUARE - BOSTON, MA 02118

**Report Date:** March 15, 2022  
**Lab Code:** 22074-1  
**Date Submitted:** 03-15-22  
**Next due date:** 03-15-23

Summer Sushi  
474 Massachusetts Avenue  
Arlington, MA 02474

**SUBJECT:** Equilibrium pH Analysis of Sushi Rice (white)\*

\*Using Acidification to Make Cooked Rice a Non-Potentially Hazardous Food  
HACCP validation / verification of established recipe

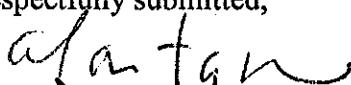
### **RESULTS**

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**pH (@ 25°C):** 3.85

**METHODS:** 21CFR114.90  
A.O.A.C., 981.12, 21<sup>st</sup> edition, 2019.

Respectfully submitted,

  
Andrea J. Fontaine  
Laboratory Director



**Town of Arlington**  
**Department of Health and Human Services**  
**Office of the Board of Health**

27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170  
Fax: (781) 316-3175

**MEMO**

**To:** Board of Health Members  
**From:** Cameron Bishop, Health Compliance Officer  
**Date:** July 7, 2022  
**RE:** Hearing – 184 Westminster Ave #1 Housing Code Violations

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**Background:**

On May 18, 2022, at or about 11:00 A.M., Health Compliance Officers Cameron Bishop and Padraig Martin, as well as the Arlington Building Department conducted an inspection of 184 Westminster Ave #1. Occupants Catherine Downing and Eva Collins were present. The inspection was conducted in accordance with the provisions of Article II of the State Sanitary Code (the “Code”), 105 C.M.R., §410.000: Minimum Standards of Fitness for Human Habitation and M.G.L c.111 §127A & §127B.

The inspection of dwelling unit is located in the basement of the single-family home located at the above-referenced address and is owned by Cynthia Kohn. The Notice of Violations & Correction Order was delivered via certified mail on June 15, 2022.

The inspection revealed that the ceiling height of the dwelling unit was below the minimum housing requirement of 7 feet. The Health Department referred the case to the Building Department to determine whether the property was zoned for the additional unit.

The violation was listed in an order letter dated June 15, 2022 sent to property owner Cynthia Kohn via certified mail. Ms. Kohn sent an email to the Health Department, received June 15, 2022, requesting a hearing with the Board of Health to appeal the violation. Occupants Catherine Downing and Eva Collins, as well as property owner Cynthia Kohn, and Attorney Scott F. Bocchio were notified of the hearing scheduled for July 13, 2022 via email dated July 5, 2022.

**Please find the following items included:**

1. Order letter to landlord dated June 2, 2022
2. Letter from the Arlington Building Department dated June 6, 2022



Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health

27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170  
Fax: (781) 316-3175

June 2, 2022

**Sent via Certified Mail:**

Cynthia Kohn  
184 Westminster Ave  
Arlington, MA 02474

*RE: 184 Westminster Ave #1  
Arlington, MA 02474  
Notification of Housing Violations  
Correction Order*

Dear Ms. Kohn:

On May 18th, 2022 at or about 11:00 A.M., Health Compliance Officers Cameron Bishop and Padraig Martin, and the Arlington Building Department conducted an inspection of 184 Westminster Ave #1 at the request of occupants Catherine Downing and Eva Collins. Occupant Eva Collins was present at the time of the inspection.

The inspection was conducted in accordance with the provisions of Article II of the State Sanitary Code (the "Code"), 105 C.M.R., §410.000: Minimum Standards of Fitness for Human Habitation and M.G.L c.111 §127A & §127B. The Code protects the health, safety, and well-being of Massachusetts citizens and applies to every owner-occupied or rented dwelling, dwelling unit, mobile dwelling unit or rooming house in Massachusetts which is used for living, cooking, sleeping, and eating. The following conditions were observed during the course of the inspection:

**Violations**

**Entire Dwelling Unit:**

1. **Violation(s): Observed ceiling height of less than 7 feet for more than ¾ of the floor space.**

**Corrective Action(s):** Maintain the floor to ceiling height at a minimum of seven (7) feet throughout the dwelling for all habitable spaces.

**Relevant Code Citation(s):**

105 CMR 410.401: Ceiling Height "(A) No room shall be considered habitable if more than ¾ of its floor area has a floor-to-ceiling height of less than seven feet."

**You are hereby ordered to comply with the following:**

1. Correct violations #1 within 24 hours of receipt of this letter. Contact this Office via telephone or electronic mail when completed.

Failure to comply with this order to correct will result in legal action taken against you pursuant to 105 CMR 410.910.

Be informed that you have the right to a hearing. This Office must receive written request for said hearing within seven (7) days upon receipt of this order. You have the right to be represented at this hearing, and any affected party has a right to appear at the hearing. In addition, you have the right to inspect and obtain copies of all relevant reports, orders, notices and other documentary information in possession of this Office. Please direct any questions to the undersigned.

Please direct any questions to the undersigned.

Sincerely,

Cameron Bishop  
Health Compliance Officer  
cbishop@town.arlington.ma.us  
(781) 316-3174

cc:      Natasha Waden, Director of Public Health  
          Padraig Martin, Lead Health Compliance Officer  
          Catherine Downing, occupant  
          Eva Collins, occupant



Town of Arlington  
Inspectional Services Department  
51 Grove Street  
Arlington, Massachusetts 02476  
781-316-3390  
[www.town.arlington.ma.us](http://www.town.arlington.ma.us)

June 6, 2022

Cynthia Kohn  
184 Westminster Avenue  
Arlington, MA 02474

Dear Ms. Kohn,

This office has recently been informed of a second dwelling unit located at your property. Our files do not include any records of this property being built as or converted into a two-family dwelling. Please provide us with any documentation that you possess that confirms how and when this property became a two-family dwelling.

Sincerely

Michael Ciampa  
Director of Inspectional Services  
Town of Arlington

A handwritten signature in blue ink that reads "Michael Ciampa".